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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|---------------------|
| 10/091,759 | 03/05/2002 | Adnan M. M. Mjalli | 41305/271123 | 6863 |
| 7590 | 01/25/2005 | | EXAMINER | |
| Cynthia B. Rothschild Kilpatrick Stockton LLP 1001 West Fourth Street Winston-Salem, NC 27101 | | | | O SULLIVAN, PETER G |
| | | ART UNIT | PAPER NUMBER | 1621 |

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|-----------------------------|-----------------|---------------|
| Offic Action Summary | Application N . | Applicant(s) |
| | 10/091,759 | MJALLI ET AL. |
| Examiner | Art Unit | |
| Peter G O'Sullivan | 1621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 October 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 and 11-62 is/are pending in the application.
4a) Of the above claim(s) 46-60 is/are withdrawn from consideration.

5) Claim(s) 1,11-45,61 and 62 is/are allowed.

6) Claim(s) 2-7 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ .
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____ .

Claims 1-7 and 9-62 are pending in this application. The prior rejections under 35 U.S.C. 102 (b) and 35 U.S.C. 112 are withdrawn in view of applicants' amendments and arguments. Claims 46-60 are held withdrawn for the reasons of record.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-7 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the definitions of substituents listed, does not reasonably provide enablement for all possible substituents encompassed by applicants' "comprising" terminology. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. Applicants are requested to use "selected from the group consisting of" or similar phrasing.

Claims 2-7 are rejected under 35 U.S.C. 112, fourth paragraph, as failing to further limit the claims from which they depend. Not only are the claims broader by using the "comprising" terminology, but the definitions for R4 are also broader than those of claim 1 in claims 2, 3 and 5-7.

Claims 1, 11-45, 61 and 62 are allowable.

Any inquiry concerning this communication should be directed to Peter G O'Sullivan at telephone number (571)272-0642.



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